

STATE OF MICHIGAN
IN THE 8TH JUDICIAL DISTRICT COURT-CROSSTOWN
FOR THE COUNTY OF KALAMAZOO

COMSTOCK CHARTER TOWNSHIP,

Plaintiff,

Mag. Nicholas J. Schaberg

v

Case No. 22C40157

SOIL FRIENDS,

Citation No. C40157

Defendant.

Roxanne C. Seeber (P51374)
Attorney for Comstock Township
BAUCKHAM, THALL, SEEGER,
KAUFMAN & KOCHES, P.C.
458 W. South Street
Kalamazoo, MI 49007-4621
(269) 382-4500

Soil Friends
c/o Benjamin Martin
In Pro Per
~~1701 N. 33rd Street~~ **9369 E. Main St.**
Galesburg, MI 49053 **MS**

ORDER REQUIRING COMPLIANCE WITH ORDINANCE

At a session of said Court held in the City of Kalamazoo
County of Kalamazoo, State of Michigan
on this 18th day of ~~October~~ **November** 2022.

PRESENT: NICHOLAS J. SCHABERG, DISTRICT MAGISTRATE

WHEREAS, the Defendant admitted responsibility or was found responsible, <by default/after a hearing> for violation of the Zoning Ordinance of the Charter Township of Comstock; and the Unlawful Building Provisions of the State Construction Code as administered and enforced by Comstock Township, which violation occurred on October 19, 2022 with respect to the property owned and/or occupied by the Defendant at 1701 N. 33rd Street, within the Township (hereinafter "subject property"); and

WHEREAS, in addition to the fines/costs imposed pursuant to such finding of responsibility, the Court deems it appropriate to enter an Order requiring compliance

with the Ordinance;

NOW THEREFORE, IT IS HEREBY ORDERED as follows:

1. By no later than 15 days after the date of signing of this Order the Defendant shall eliminate the commercial use and access to the barn on the subject property by locking and enclosing the same and by placing a sign on the door prohibiting entry therein. No person other than the owner of the subject property and his farm laborers shall be permitted to occupy or access the barn until the parameters of this Order are complied with.

2. By no later than 15 days after the date of signing of this Order the Defendant shall eliminate the use and occupancy of the barn on the subject property excepting for exclusive agricultural purposes, such as the storage of feed, machinery and equipment and as a shelter for farm animals.

3. After 15 days after the date of signing of this Order the Defendant shall not operate a commercial business entity on the subject property. The Defendant shall not allow live music, access to the interior of the barn, retail sales; food, alcohol or beverage service on the subject property.

4. The Township's Ordinance Enforcement Officer and/or its zoning administrator are permitted to access the barn and the subject property after 15 days after the date of signing of this Order for a compliance inspection.

5. The barn/building on the subject property may not be used for anything other than the agricultural purposes outlined in paragraph 2 of this Order. If the Defendant wishes to undertake any activity other than agricultural use (growing of crops, raising of animals) on the subject property he shall first apply for and obtain

zoning approval, if available, for the use. The Defendant may contact the Zoning Administrator at 269-381-2360 to obtain an application. If the Defendant obtains zoning approval for any use that allows access to the barn by anyone other than immediate family and farm laborers, he must obtain an after-the-fact building permit from the Township's Building Department, KABA at 269-216-9511. There shall be no occupancy of the barn for anything other than sole agricultural use unless and until the building department has undertaken inspections and certified it as compliant with the building code and safety standards and has allowed the occupancy thereof.

6. If the Defendant fails to bring the subject property into compliance with the Ordinances by the time frames specified herein, uses the barn or property for unpermitted access or uses; and/or thereafter fails to maintain the subject property in compliance with the Ordinance, upon request by the Township, the Court will enter an Order requiring the Defendant to appear before the Court at a specified date and time to show cause why the Defendant should not be found in contempt of the compliance provisions of this Order and be punished therefore as allowed by law.

7. The compliance provisions of this Order are effective for two years from the date of entry hereof.

NICHOLAS J. SCHABERG

Nicholas J. Schaberg, Magistrate

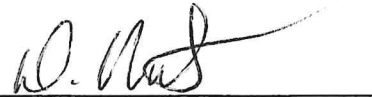
This Order prepared by:
Roxanne C. Seeber

Comstock Charter Township v Soil Friends
Case No. 22C40157
Order Requiring Compliance with Ordinance

PROOF OF SERVICE

This is to certify that on 11/18/2022 the within Order Requiring
Compliance With Ordinance was served via

- ☐ Personal service at _____ a.m./p.m. in the Magistrate's Hearing Room at 150
Crosstown Parkway, Kalamazoo, Michigan.
- ☒ U.S. mail to the Defendant's home address listed above.



- ☐ Nicholas J. Schaberg, District Magistrate
☒ Dawn Roberts, Deputy Clerk